

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON**

**MAYA NYE, et al.,**

**Plaintiffs,**

**v.**

**Case No. 2:11-cv-00087**

**BAYER CROPSCIENCE, L.P.,**

**Defendant.**

**DEFENDANT’S RESPONSE TO PLAINTIFFS’ SEVENTH DISCOVERY REQUEST**

Defendant Bayer CropScience, L.P., (“BCS”) by and through its counsel of record, offers this general objection to the discovery served by Plaintiffs.

**GENERAL OBJECTIONS**

Many of these discovery requests seek information and documents well beyond the scope of the claim made by the Plaintiffs in relation to the manufacture and production of the chemical MIC and are therefore overly broad on their face. Therefore, in responding to this discovery, BCS has limited its responses to these requests to information relevant and related to MIC.

BCS further objects to any information sought that is outside the scope of information relevant to the relief sought by the Plaintiffs – a preliminary injunction.

Without waiving these objections, and pursuant to the provisions of the Federal Rules of Civil Procedure, BCS responds to “Plaintiffs Document Production Request” as follows:

**REQUESTS FOR ADMISSION**

**REQUEST NO. 4**

Admit that the demographic maps attached hereto as Exhibits A&B fairly and accurately report the demographics of the geographic areas designated thereon. If you do not admit the matter requested to be admitted, state the contrary facts you contend are true, identify all persons who will testify on behalf of Bayer with respect to those facts, and produce all documents supporting, contradicting or otherwise pertaining to the contrary position.

**RESPONSE**

BCS does not have sufficient information to admit or deny that the demographic maps attached as Exhibits A & B fairly and accurately report the demographics of the areas involved. After reviewing Exhibits A & B, it appears that they were produced by a third-party (BuyDemographics.com) upon the request of William V. DePaulo on February 15, 2011. The report indicates it was generated using data from government sources “deemed reliable,” but also states “We cannot assume responsibility for its accuracy.” As BCS does not believe it has retained BuyDemographics.com to conduct a demographics report, it has no way to verify that the processes utilized by BuyDemographics.com are accurate. Furthermore, based on the disclaimer – “we cannot assume responsibility for its accuracy” there is no way to make such a determination. Accordingly, BCS is unable to admit or deny this request.

**BAYER CROPSCIENCE, L.P.**

**By Counsel**

/s/ Ryan E. Voelker

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